



King County Board of Ethics  
Bank of America Tower  
701 Fifth Avenue, Suite 3460  
Seattle, WA 98104 MS BOA-ES-3460  
206-296-1586 Fax 206-205-0725  
board.ethics@metrokc.gov/ethics/

## KING COUNTY BOARD OF ETHICS SPECIAL MEETING NOTICE

**When:** Monday, December 13, 2004, 4:30 p.m.

**Where:** Bank of America Tower  
701 Fifth Avenue, 34<sup>th</sup> floor  
Conference Room, Suite 3460  
Seattle, WA 98104

### AGENDA

1. **Approval of Agenda**
2. **Approval of Special Meeting Minutes of October 11, 2004**
3. **Request for Advisory Opinion.** Award and paid travel by professional organization.
4. **Request for Review of Financial Disclosure Form.** Request for review by county employee.
5. **2005 Meeting Schedule.** Review and discussion; setting 1/15/05 board retreat agenda.
6. **Tri-Jurisdictional Statement of Common Principles.** Review and discussion.
7. **Staff Report**
  - Staff Informational Response Summary
  - Ethics Survey-Quiz Update
  - Ordinance Related to Declarations on Disclosure Statements – status
8. **Executive Session.** Employee evaluation.

Upon advance request, reasonable accommodations for people with disabilities  
are available by calling 206-296-1586 or TTY Relay: 771

**ALTERNATE FORMATS AVAILABLE**



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## **Minutes of the December 13, 2004, Special Meeting of the King County Board of Ethics**

The December 13, 2004, special meeting of the King County Board of Ethics was called to order by Chair Price Spratlen at 4:32 p.m. Board members in attendance were:

Lois Price Spratlen, Ph.D.  
Roland H. Carlson  
Margaret T. Gordon, Ph.D  
Rev. Paul F. Pruitt  
Jerry Saltzman

### **Others in attendance:**

Catherine A. Clemens, Administrator, King County Board of Ethics  
Alan Abrams, Senior Deputy Prosecuting Attorney and Board Counsel  
Cathy Betts, Buyer, Procurement & Contract Services, Finance Division, DES  
David Lawson, Internal Audit Manager, Executive Audit Services, Office of Management and Budget, Office of the Executive

1. *Approval of Agenda.* Dr. Gordon moved and Mr. Saltzman seconded that the Board approve the proposed agenda. The Board unanimously adopted the motion and the agenda was approved.

Chair Price Spratlen asked for introductions from those present.

2. *Approval of Meeting Minutes of October 11, 2004.* Rev. Pruitt moved and Mr. Carlson seconded that the Board approve the October 11, 2004, meeting minutes. The Board unanimously adopted the motion and the minutes were approved.

3. *Request for Advisory Opinion.* Ms. Clemens briefed the Board. A buyer in the Procurement and Contract Services Section of the Finance and Business Operations Division of King County asked the Board of Ethics to determine whether or not she may accept an award and related expense-paid trip from a professional association without a violation of the Code of Ethics. The requesting employee provided background information. She stated she is a notary and member of the National Notary Association (NNA). King County paid for her notary license through the Washington State Department of Licensing, as well as the required bond, since she provides notary services as a county employee. She has paid for all other related expenses herself. The NNA has no other connection to King County government, and this employee has no other official job responsibilities, or participation in any matter, related to the association. This employee has been active in creating meeting opportunities and fostering communication among other notaries in King County government. Based on her efforts, she has been selected as a 'special honoree' for the NNA's Notary of the Year. As such, she has been offered an expense-paid trip to the NNA's 2005 conference, where she will be honored and receive her award. The NNA's notification letter, dated September 30, 2004, is on official NNA stationary and signed by the vice president, notary affairs. Mr. Carlson asked if she received any other monetary compensation? No. The Board discussed the related provisions of the Code of Ethics, as

well as analogous advisory opinion 1144 (Dec 1995) which responded to the question of whether a department director may accept paid travel from a professional association for the purposes of giving a keynote speech. In that opinion, the board opined that, "Acceptance of paid travel from a professional association does not violate the Code of Ethics when the association does not do, or seek to do, business with the county agency, and when receipt does not conflict with the performance of official duties. However, such invitations should be extended on the letterhead of the professional association and signed by an appropriate association officer or designated conference program manager." All of these issues had been complied with in the instant case. Mr. Saltzman thanked the employee for bringing the matter to the Board. Dr. Gordon stated that the county should be honored by this award. And Rev. Pruitt remarked on the example of this unselfish, public servant. Mr. Carlson moved that, based upon the circumstances of the request as presented to the Board, the supporting provisions of the Code of Ethics, and related advisory opinion 1144, the Board of Ethics not issue a redundant advisory opinion, but shall find no conflict to prevent this employee from accepting an award and paid travel from the professional association. Further, the motion was made contingent upon the employee providing her supervisor with the required written notification of potential conflict, with a copy of the notification to the Board of Ethics. Mr. Saltzman seconded the motion and the motion passed unanimously. The Board directed the administrator to notify the requestor in writing of its finding.

The requesting employee left the meeting at 4:44 p.m.

4. *Request for Review of Financial Disclosure Form.* The requesting manager of Executive Audit Services briefed the Board. He stated that the amendment to the Code of Ethics and the resulting changes to the statements of financial and other interests in 1999, which eliminated the requirement to list all sources of income from outside employment in excess of \$1,500, had made it more difficult to investigate employee conflict of interest arising from outside employment with vendors doing business with King County. He noted that information gained through the pre-1999 disclosure statement had provided a valuable investigative tool, and requested that the pre-1999 reporting requirement be reinstated. The administrator offered historical information related to the code amendment. The Board and the manager reviewed the changes between the past and current statements, particularly question A. Board counsel stated that the pre-1999 statement could be described as capricious and arbitrary when asking for information outside of the county's jurisdiction. A nexus between the employee's outside activities and his or her official job responsibilities must be established. Based on this assessment, counsel advised not to change the existing statement and the Board agreed. The manager thanked the Board and counsel for this clarification and stated he would review the investigation in light of this new information. The administrator offered to provide additional documents related to the past amendment, as well as the chronological series of statements. The Board invited the manager to return if he had additional questions or comments or would like to discuss the matter further.

Mr. Abrams left the meeting at 4:53 p.m.; the manager left the meeting at 4:56 p.m.

5. *2005 Meeting Schedule.* The Board reviewed the 2005 meeting schedule and, with minor changes, Mr. Saltzman moved to approve the schedule; Mr. Carlson seconded the motion and the motion carried unanimously. The administrator will place the 2005 meeting schedule on the ethics Web site.

The Board discussed the annual retreat to be held Saturday, January 15, 2005, 8:30 a.m. – 12:00 noon, at the Horizon House conference room, 900 University Street, Seattle, WA. The Board reviewed the proposed agenda. Regarding the item related to collaborative working relationships with city and state agencies, the Board agreed to invite the respective ethics board chairs; last year, executive directors attended. Ms. Clemens suggested

including the Washington State Legislative Ethics Board in the invitation since the Board had previously indicated an interest in expanding the number of participating agencies; the Board determined it would focus on the two ethics agencies it has been communicating with for the present. The administrator will draft letters of invitation for the chair's signature. Dr. Gordon moved and Mr. Carlson seconded to approve the proposed agenda, with the understanding that Board members could contact the administrator with additions until end-of-day on Wednesday, December 15; the Board unanimously approved the proposed agenda.

6. *Tri-Jurisdictional Statement of Common Principles.* The Board reviewed the progress to date to achieve agreement from the city and state ethics agencies on the statement. The city's response was 'overwhelmingly positive', although they expressed concerns about: 1) how the statement will be used; 2) to what audience the statement will be addressed; and 3) the difficulties moving from principles that animate the respective codes to specific rules that the respective agencies administer. The state declined to participate, citing a 'number of issues and concerns with issuing a tri-jurisdictional statement.' The Board decided to continue with its goals related to the statement, and agreed to focus on use of governmental resources first as a tri-jurisdictional area of agreement.

7. *Staff Report.* Ms. Clemens briefed the Board. Staff Informational Response Summary. The ethics administrator issued twenty-one (21) written staff informational responses (SIR) from October 6, 2004, through November 29, 2004, as requested by employees of King County. Ethics issues addressed by the responses included: receipt of gifts (2); post-employment; outside employment (2); ethics code jurisdiction (2); financial disclosure for board members; testimonial for vendor; use of county resources for private business (2); use of county resources for personal convenience (3); use of county resources for on-site vendor (2); campaign activities; acceptance of meals (2); donation to county; and employee on outside board. Ethics Survey-Quiz Update. Ms. Clemens presented the summary of the 2004 Ethics Awareness Survey/Quiz including information on high response rate, high correct response rate to questions, valuable information gained through employee comments, and the further work to be done to ensure all employees have an Ethics Help Line card and access to an ethics poster. Chair Price Spratlen stated that the board must take action to ensure all employees have cards and every agency has a visible poster; she will seek the executive's support. Dr. Gordon moved, and Mr. Saltzman seconded, that the chair meet with the executive to discuss the matter. The motion passed unanimously and the Board directed the administrator to set a meeting between the chair and the executive. Chair Price Spratlen also directed the administrator to draft letters of appreciation for her signature to the DNRP staff who have worked on the awareness campaign. Ordinance Related to Declarations on Disclosure Statements. Ms. Clemens reported that the executive had forwarded the proposed amendment to the code with his endorsement, but the County Council had not yet acted. The chair directed the administrator to place the matter on the next agenda and ask Mr. Buck to report on the matter to the Board.

8. *Executive Session.* Executive session was canceled.

Chair Price Spratlen asked for new business. The Board discussed former Board member Lem Howell's nomination for the Thurgood Marshall award, and whether or not to send a letter of support as individuals or from the Board as a whole. The administrator will review the matter with counsel and report back to the chair.

Dr. Price Spratlen announced that she had received an invitation to serve on the transition team for Rob McKenna, currently a County Council member and the Washington State Attorney General in the coming year. She noted that she sought advice from Board counsel before accepting. Mr. McKenna noted the high functioning level of the county's Board of Ethics for his reasoning. She suggested that the collective wisdom of the Board could be advantageous to Mr. McKenna, and will report back to the Board at a later date.

Mr. Saltzman moved and Rev. Pruitt seconded the motion to adjourn the meeting. The Board unanimously approved the motion and the meeting was adjourned at 5:48 p.m.

Approved this 25<sup>th</sup> day of January, 2005, by the King County Board of Ethics.

Signed for the Board: \_\_\_\_\_  
Dr. Lois Price Spratlen, Chair